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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 G3 GENUINE GUIDE GEAR INC.,

10 Plaintiff,

11 v.

12 C15-561 TSZ

13 MARKER DEUTSCHLAND GMBH,
14 et al.,

15 MINUTE ORDER

16 Defendants.

17 The following Minute Order is made by direction of the Court, the Honorable
18 Thomas S. Zilly, United States District Judge:

19 (1) Defendants' motion for summary judgment, docket no. 35, is DENIED, and
20 plaintiff's cross-motion for partial summary judgment, docket no. 49, is GRANTED.
21 The Court concludes, as a matter of law, that independent Claim 1 and dependent
22 Claim 37 of U.S. Patent No. 8,746,728 B2 ("the '728 Patent") are not anticipated by
23 French Patent No. 2,613,949, which was issued to Raymond Durfort and Roger Brard.
24 The Court will enter a separate order setting forth its reasoning concerning the
25 anticipation defense. With regard to whether Claim 35 of the '728 Patent is invalid on
26 the basis of obviousness,¹ and whether plaintiff would be entitled to increased or treble
27 damages on the ground of willful infringement, the Court is persuaded that genuine
28 disputes of material fact preclude summary judgment. See Fed. R. Civ. P. 56(a).

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32 ¹ Plaintiff's related motion to strike, docket no. 57-1, portions of defendants' reply brief and two
33 declarations submitted therewith is DENIED.

1 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
2 record.

3 Dated this 9th day of May, 2017.

4 William M. McCool
5 Clerk

6 s/Karen Dews
7 Deputy Clerk